

REMARKS

Claims 1-17 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections to Claims 1-15 in view of the amendments and remarks contained herein. Claims 16-17 are new.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bocchicchio et al (U.S. Pat. No. 5,929,459) in view of Cudnohufsky (U.S. Pat. No. 3,593,605). This rejection is respectfully traversed.

With respect to Claim 1, Bocchicchio in view of Cudnohufsky does not show, teach or suggest determining positioning of a fastener actuating tool according to the axis of the fastener.

It is a longstanding rule that to establish a prima facie case of obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. *In re Royka*, 180 USPQ 143 (CCPA 1974), see MPEP §2143.03.

As best understood by the Applicants, Bocchicchio relates to automatically inspecting a workpiece and determining a gravity-stable position for the workpiece with respect to a reference plane. The Office Action recognizes that Bocchicchio does not disclose that the workpiece is a fastener. According to the Office Action, Cudnohufsky balances a rotating workpiece for a machine tool. The workpiece is presumed to obviate a fastener because it rotates.

Claim 1 differs from Bocchicchio and Cudnohufsky at least because it includes positioning a fastener actuating tool according to the axis of the fastener. Within the

context of the Claim, the fastener actuating tool is positioned with respect to the fastener for the purpose of actuating the fastener. In other words, the fastener actuating tool may actuate (e.g. rotate in order to fasten) the fastener such that the fastener fastens to a structure/workspace based on this position.

Neither Bocchicchio nor Cudnohufsky alone or in combination position an actuating tool for a fastener. Instead, Bocchicchio merely positions a tool and does not disclose, teach, or suggest that the tool is an actuating tool that is aligned with the object it is designed to actuate, as in the Claim. Further, Cudnohufsky includes a balancing device that balances workpieces. However, the balancing device of Cudnohufsky is not an actuating tool because it does not actuate the workpieces, it merely balances them. In contrast, the actuating tool of Claim 1 is a *fastener* actuating tool. The fastener actuating tool actuates (fastens) the fastener. Bocchicchio and Cudnohufsky therefore do not obviate alignment of a fastener actuating tool.

Therefore, Claim 1 is allowable for at least these reasons. Claims 2-15 ultimately depend from Claim 1 and are allowable for at least similar reasons.

NEW CLAIMS

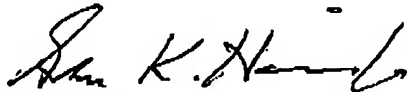
Claims 16-17 have been added and include material found in Claim 1, Paragraph [0021], and FIG. 4 and are believed to be allowable for at least the reasons put forth above. No new matter has been added.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested.

Respectfully submitted,

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